

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

CURTIS LEVAR WELLS, JR.,

Plaintiff,

v.

Case No. 1:22-cv-00140-MSN-IDD

JAVIER FUENTES, et al.,

Defendants.

**DEFENDANTS' BRIEF IN SUPPORT OF MOTION FOR  
LEAVE TO FILE A VIDEO WITH AUDIO EXHIBIT**

Defendants Javier Fuentes, Scott Wanek, Ashley Barnickle, Lauren Lugasi, Kimberly Soules, Austin Kline And John Vanak ("Defendant ACPD Officers"), by counsel, state as follows in support of their Motion for Leave to File a Video with Audio Exhibit:

On October 6, 2022, the Defendant ACPD Officers filed their Motions to Dismiss and Brief in Support [ECF Docs. 59, 60, 61, 62, 63 and 64]. As part of the their Briefs in Support of Motion to Dismiss, the Defendant ACPD Officers rely on video with audio evidence obtained from the February 9, 2020 events, which, in part, are the subject of this lawsuit.

This video with audio is referenced as **Exhibit 1** in the Defendant ACPD Officers' Briefs in Support of Motion to Dismiss.

The Defendant ACPD Officers understand that this Court must grant it leave to physically file the exhibit on a flash drive, because the file is too large for the Court's ECF system. A flash drive containing the video with audio will be mailed to the Court when and if the attached Order is entered.

For all of the foregoing reasons, the Defendant ACPD Officers, by counsel, respectfully request that the Court grant them leave to physically file with the Court a flash drive containing the foregoing audio evidence to be considered in support of their Motion to Dismiss.

**JAVIER FUENTES, SCOTT WANEK,  
ASHLEY BARNICKLE, LAUREN  
LUGASI, KIMBERLY SOULES,  
AUSTIN KLINE AND JOHN VANAK**

By Counsel

/s/ Leslie A. Winneberger

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### **CERTIFICATE**

I hereby certify that on the 6th day of October, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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